

PATENT
Serial No. 09/919,232

Amendment in Reply to Final Office Action of September 19, 2005

REMARKS

Reconsideration of the present application and entry of the present amendment are respectfully requested.

By means of the present amendment, claims 1, 6-7, 18-20 and 22 have been amended for better form for appeal. No new issues requiring a new search have been introduced and thus entry of the present amendment is respectfully requested. Claims 1, 6-7, 18-20 and 22 were not amended in order to address issues of patentability. Applicant respectfully reserves all rights he may have under the Doctrine of Equivalents.

In the Final Office Action, claims 1, 3, 5-8, 12, 18-20 and 22 were rejected under 35 U.S.C. §112, second paragraph as being indefinite due to inadequate disclosure related to "having a shape that includes a tissue-engagement surface and curved surfaces adjacent to the tissue-engagement surface." (Page 2, first paragraph of the Final Office Action) Applicant respectfully traverses this rejection and submits that there is nothing unclear or indefinite about the above-noted section in view of the disclosure which more than adequately describes and provides many

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examples related to this above-noted section. For example, page 18, line 29, to page 19, line 2, describes an exemplary embodiment where "the curved surfaces typically engage the ribs and tend to align the tissue-engagement surface with the acoustic window."

It is respectfully submitted that claims 1, 3, 5-8, 12, 18-20 and 22 particularly point out and distinctly claim the subject matter which applicants regard as the invention. Accordingly, withdrawal of the rejection to claims 1, 3, 5-8, 12, 18-20 and 22 under 35 U.S.C. §112, second paragraph, is respectfully requested.

In the Final Office Action, claims 1, 3, 5-8, 12, 18-20 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,217,516 (Linuma) in view of U.S. Patent No. 5,083,569 (Shimazaki). In response, the following remarks are presented. It is respectfully submitted that claims 1, 3, 5-8, 12, 18-20 and 22 are patentable over Linuma and Shimazaki for at least the following reasons.

Linuma is directed to a probe for ultrasonic diagnostic apparatus with many transducers. A thin film with flexibility and water-tightness is attached to the transducers so that spaces between the adjacent transducers are hermetically sealed in order

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to reduce acoustic coupling between the adjacent transducers.

Shimazaki is directed to an ultrasound diagnostic device with uniform resolving power over a wide range from the shallow to the deep.

It is respectfully submitted that Linuma, Shimazaki and combination thereof, do not teach or suggest, amongst other patentable elements, that:

curved surfaces are configured to align the tissue-engagement surface in relation to an acoustic window.

as recited in independent claims 1 and 18. Applicant respectfully refutes statement on page 3 of the Final Office Action that the above noted-features "are merely statement of desired function and provide no specific structure ... Apparatus claims cover what a device is, not what a device does."

It is respectfully submitted that the recited "curved surfaces" are related to "what a device is" and are not merely features related to "what a device does." The recited features related to a particular structure, namely, "curved surfaces are configured to align the tissue-engagement surface in relation to an acoustic window." Such a structure, amongst other patentable

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elements recited in independent claims 1 and 18, is nowhere taught or suggested in Linuma and Shimazaki, alone or in combination.

Accordingly, it is respectfully submitted that independent claims 1 and 18 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 3, 5-8, 12, 19-20 and 22 should also be allowed at least based on their dependence from independent claims 1 and 18.


In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

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It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
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THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101